DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 4/30/2009 has been entered.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are

moot in view of the new ground(s) of rejection. Generally speaking, there are no teachings in

Susskind that prevent multiple devices from being accessed simultaneously.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-3, 5-10, 14-16, 18-20, 35-57, 58, 60-65, and 69-75 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent Application Publication Number 2001/0046366 by

Susskind in view of U.S. Patent Number 7,124,356 to Alsafadi et al.

As to claim 1, Susskind teaches a computer-implemented method stored as a computer program on a computer readable medium and executed by a processor for enabling a user to directly and remotely control a media-based device by way of one of a plurality of web portals (paragraph 35, see arguments section above), the method comprising: providing an Application Program Interface (API) located remotely from each of the plurality of web portals, each given one of which in operation, permits data retrieved from at least one database concerning the media-based device to fit a format associated with the web portal (paragraph 31, the standard HTML interface is the API); receiving a user request from the user (paragraph 35); and in response to the user request, initiating at least one API routine to retrieve from the at least one database the data concerning the media-based device, while the at least one database is in communication with the media-based device through a network (paragraph 35); however Susskind does not explicitly multiple formats for different media devices.

Alsafadi teaches a variety of XML formats and API for controlling various media-based devices.

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Susskind regarding remotely controlling media devices with the teachings of Alsafadi regarding multiple API's for various devices because Susskind suggests that the teachings could be applied to a variety of device types (see paragraph 29).

As to claim 2, Susskind teaches the method of claim 1, further comprising: transmitting to the user information in accordance with the retrieved data (Figure 4).

As to claim 3, Susskind teaches the method of claim 1, wherein each web portal is a web server executing a web hosted application (paragraph 35).

As to claim 5, Susskind teaches the method of claim 1, wherein the user request is in HTTP command format (paragraph 31, any device accessing the internet is using HTTP).

As to claim 6, Alsafadi teaches a video recording device that responds to commands transmitted in an XML format (See discussion in columns 5 and 6).

As to claim 7, Susskind teaches the method of claim 1, wherein the data concerning the media-based device comprises a channel line up corresponding to the media-based device (paragraph 35).

As to claim 8, Susskind teaches the method of claim 7, wherein the data concerning the media-based device further comprises an electronic program guide based on the media-based device's channel line up within a specified period of time (paragraph 35).

As to claim 9, Susskind teaches the method of claim 7, wherein the data concerning the media-based device further comprises a list of shows within the media-based device's channel lineup corresponding to certain value of at least one specified show attribute (paragraph 35).

As to claim 10, Susskind teaches the method of claim 9, wherein the at least one specified show attribute concerns show titles (paragraph 35).

As to claim 14, Susskind teaches the method of claim 7, wherein the data concerning the media-based device comprises values of show attributes of a specified show within the media-based device's channel lineup (paragraph 35).

As to claim 15, Susskind teaches the method of claim 1, wherein the data concerning the media-based device comprises a list of shows recorded by the media-based device (paragraph 35).

As to claim 16, Susskind teaches the method of claim 1, wherein the data concerning the media-based device comprises a list of requests to the media-based device for recording specified shows (paragraph 35).

As to claim 18, Susskind teaches the method of claim 1, wherein the at least one database includes a box profile database containing profile of the media-based device, the box profile database being communicatively coupled with the media-based device (paragraph 41).

As to claim 19, Susskind teaches the method of claim l, wherein the at least one database includes an electronic program guide database (paragraph 35).

As to claim 20, Susskind teaches the method of claim l, wherein the at least one database includes a box transaction database containing information relating to shows recorded or scheduled to be recorded by the media-based device, and relating to requests to the media-based device for recording specified shows, the box transaction database being communicatively coupled with the media-based device (paragraph 35).

As to claims 35-57, 58, 60-65, and 69-75, they feature limitations found in claims 1-3, 5-16, and 18-20 and are therefore rejected for the same reasons as claims 1-3, 5-16, and 18-20.

Claims 11-13 and 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2001/0046366 by Susskind in view of U.S. Patent Application Publication Number 2007/0240181 by Eldering et al.

As to claims 11-13, Susskind teaches the method of claim 9 including an electronic program guide; however Susskind does not explicitly teach an electronic programming guide featuring actors, ratings and descriptions.

Eldering teaches an electronic programming guide featuring actors, ratings and descriptions (paragraph 60).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Susskind regarding the remote control of a media recorder with the teachings of Eldering regarding an electronic programming guide featuring actors, ratings and descriptions because Eldering provides a specific method of implementing concepts otherwise taught by Susskind in a generic manner.

As to claims 66-68 they are rejected for the same reasoning as claims 11-13.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442